

MAR 05 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ishak

Application No.: 10/000,062

Group Art Unit: 2873

Filed: 2 November 2001

Examiner: To be assigned

For: WATERMAN'S SUNGLASS LENS

* * *

DECLARATION UNDER 37 C.F.R. § 1.181(b)

The Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I, Muriel V. Chider, being duly sworn, state that I was responsible for clerical work, assembly, and final check for completeness of above-identified patent application, as shown by the records in the United States Patent and Trademark Office. I further declare and state the following:

1. On November 2, 2001, I helped to prepare and personally filed Applicant's New Non-provisional Application. I prepared my law firm's cover letter and our post card to accompany the Application on November 2, 2001.

2. It is my responsibility to count the drawing pages prior to filing, and to make sure that the number of Figures as listed in the application coincides with the number that I count by hand. I would have done this in filing the Application on November 2, 2001.

3. In preparing the cover sheet for said filing, I made specific reference to "42 pages total

of specification including 12 pages of drawing.” The “12 pages of drawing” included a separate page for Figure 2A.

4. The Figure 2A which is now said to be missing is not missing in our own file copy of the application, which I made by running the application in your files through a copy machine with a sheet feeder.

5. Because our office records show that the New Nonprovisional Application filed on November 2, 2001 was prepared with the above-described Figure 2A, I surmise that the original Figure 2A was detached from the application papers in transit to the Customer Service Center of the Initial Patent Examination Division.

Wherefore it is believed that proper precautionary systems were in operation which were calculated to avoid the circumstances which caused the omission, and because Applicant's records indicate that the New Nonprovisional Application was prepared with the Figure 2A now attached to Applicant's Petition under 37 C.F.R. § 1.181, the lack of Figure 2A in Applicant's original filing of its New Nonprovisional Application was due to outside interference during transit to the Customer Service Center of the Initial Patent Examination Division.

I declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or by both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

jeopardize the validity of the above-referenced application for patent.

Respectfully submitted,


Muriel V. Chider

Date March 1st, 2002

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